

HOUSE BILL 890

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L3

2004 Regular Session
(4r2106)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Garrett County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Municipal Corporations - Regulation of Junkyards, Dumps, and Other**
3 **Facilities - Ordinances**

4 FOR the purpose of authorizing the legislative body of a municipal corporation to
5 adopt an ordinance for the licensing, control, location, or maintenance of certain
6 junkyards, dumps, and other facilities; requiring certain ordinances to be
7 designed to achieve certain purposes; authorizing an ordinance to prohibit the
8 operation or maintenance of certain junkyards, dumps, or other facilities in a
9 certain location until a certain license has been obtained; requiring the
10 legislative body of a municipal corporation to give certain notice of a hearing on
11 ~~the adoption of an a certain proposed ordinance regulating junkyards;~~ providing
12 that a certain municipal ordinance ~~regulating junkyards~~ is not valid unless a
13 certain hearing is held; providing that a violation of a municipal ordinance
14 regulating certain junkyards, dumps, and other facilities is a misdemeanor,
15 subject to a certain fine; authorizing the legislative body of a municipal
16 corporation to declare a certain violation to be a municipal infraction; *providing*
17 for the applicability of certain provisions of this Act; ~~defining a certain term;~~ and

1 generally relating to municipal ordinances regulating certain junkyards, dumps,
 2 and other facilities.

3 BY adding to
 4 Article 23A - Corporations - Municipal
 5 Section 4
 6 Annotated Code of Maryland
 7 (2001 Replacement Volume and 2003 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 23A - Corporations - Municipal**

11 4.

12 ~~(A) IN THIS SECTION, "JUNKYARD" MEANS A SCRAPYARD, PUBLIC OR PRIVATE~~
 13 ~~DUMP, AUTOMOBILE JUNKYARD, AUTOMOTIVE DISMANTLER AND RECYCLER~~
 14 ~~FACILITY, SCRAP METAL PROCESSING FACILITY, AN OUTDOOR PLACE WHERE OLD~~
 15 ~~MOTOR VEHICLES ARE STORED IN QUANTITY OR DISMANTLED, OR A LOT ON WHICH~~
 16 ~~REFUSE, TRASH, OR JUNK IS DEPOSITED.~~

17 ~~(B)~~ THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY ADOPT AN
 18 ORDINANCE FOR THE LICENSING, CONTROL, LOCATION, OR MAINTENANCE OF
 19 JUNKYARDS WITHIN ITS JURISDICTION OF:

20 (1) JUNKYARDS;

21 (2) PUBLIC OR PRIVATE DUMPS;

22 (3) AUTOMOBILE JUNKYARDS;

23 (4) AUTOMOTIVE DISMANTLER AND RECYCLER FACILITIES;

24 (5) SCRAP METAL PROCESSING FACILITIES;

25 (6) OUTDOOR PLACES WHERE OLD MOTOR VEHICLES ARE STORED IN
 26 QUANTITY OR DISMANTLED; AND

27 (7) LOTS ON WHICH REFUSE, TRASH, OR JUNK IS DEPOSITED.

28 ~~(C)~~ (B) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL BE
 29 DESIGNED TO:

30 (1) PROTECT THE RESIDENTS OF THE MUNICIPAL CORPORATION FROM
 31 UNPLEASANT AND UNWHOLESOME CONDITIONS AND DETERIORATING
 32 NEIGHBORHOODS;

33 (2) PRESERVE THE BEAUTY AND ESTHETIC VALUE OF RURAL OR
 34 RESIDENTIAL AREAS;

- 1 (3) SAFEGUARD THE PUBLIC HEALTH AND WELFARE;
- 2 (4) PROMOTE GOOD CIVIC DESIGN; AND
- 3 (5) PROMOTE THE HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE,
4 AND PROSPERITY OF THE COMMUNITY.

5 ~~(D)~~ (C) AN ORDINANCE ADOPTED UNDER THIS SECTION MAY ~~INCLUDE A~~
6 ~~REQUIREMENT THAT A JUNKYARD MAY NOT BE MAINTAINED OR OPERATED~~
7 PROHIBIT THE OPERATION OR MAINTENANCE OF A JUNKYARD, DUMP, OR OTHER
8 FACILITY WITHIN THE LIMITS OF THE MUNICIPAL CORPORATION UNTIL AN ANNUAL
9 LICENSE HAS BEEN OBTAINED FROM THE LEGISLATIVE BODY OF THE MUNICIPAL
10 CORPORATION, AT A REASONABLE FEE SPECIFIED IN THE ORDINANCE.

11 ~~(E)~~ (D) (1) (I) BEFORE THE LEGISLATIVE BODY OF A MUNICIPAL
12 CORPORATION ADOPTS AN ORDINANCE UNDER THIS SECTION, THE LEGISLATIVE
13 BODY SHALL GIVE NOTICE OF A PUBLIC HEARING ON THE PROPOSED ORDINANCE BY
14 PUBLISHING NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
15 MUNICIPAL CORPORATION NOT LESS THAN FOUR TIMES, AT WEEKLY INTERVALS
16 WITHIN A PERIOD OF AT LEAST 30 DAYS BEFORE THE DATE OF THE HEARING.

17 (II) THE NOTICE SHALL SPECIFY THE DATE, TIME, AND PLACE AT
18 WHICH THE LEGISLATIVE BODY WILL CONDUCT A THE PUBLIC HEARING ON THE
19 ORDINANCE.

20 (2) THE ORDINANCE IS NOT VALID UNLESS THE PUBLIC HEARING
21 ACTUALLY IS HELD AS SPECIFIED IN THE NOTICE.

22 (E) (1) A PERSON WHO VIOLATES AN ORDINANCE ADOPTED UNDER THIS
23 SECTION, INCLUDING THE MAINTENANCE OR OPERATION OF A JUNKYARD, DUMP, OR
24 OTHER FACILITY WITHOUT A LICENSE, IS GUILTY OF A MISDEMEANOR, AND ON
25 CONVICTION, IS SUBJECT TO A FINE OF AT LEAST \$25.

26 (2) EACH DAY ON WHICH A VIOLATION CONTINUES IS A SEPARATE
27 OFFENSE.

28 (F) THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION MAY DECLARE A
29 VIOLATION OF AN ORDINANCE ADOPTED UNDER THIS SECTION IS TO BE A
30 MUNICIPAL INFRACTION AND THAT SHALL BE ENFORCED IN ACCORDANCE WITH
31 THE PROVISIONS OF § 3(B) OF THIS ARTICLE.

32 (G) IF THE LEGISLATIVE BODY OF A MUNICIPAL CORPORATION ADOPTS AN
33 ORDINANCE UNDER THIS SECTION, THE PROVISIONS OF THE ORDINANCE MAY NOT
34 BE CONSTRUED TO APPLY TO ANY BUSINESS LICENSED ON OR BEFORE JUNE 30, 2004
35 AS AN AUTOMOTIVE DISMANTLER AND RECYCLER OR A SCRAP PROCESSOR UNDER §
36 15-502 OF THE TRANSPORTATION ARTICLE.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 ~~October~~ July 1, 2004.

